



MPUMALANGA GOLF UNION

CONSTITUTION 2018

FINAL DRAFT

**Approved at AGM
21/7/2018
MIDDELBURG**

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drafted by :
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Mpumalanga Golf Union
20th January 2018

MPUMALANGA GOLF UNION CONSTITUTION

1. NAME

The name of the Union is : **MPUMALANGA GOLF UNION.**

2. HEADQUARTERS

The headquarters of the Union will be at such place as the Union may from time to time determine.

3. DEFINITIONS AND INTERPRETATION

3.1 In this constitution, unless the context shall otherwise require :-

Affiliation Fee An amount paid annually to the Union by a Member, this amount being based per capita on the number of Players affiliated to golf clubs falling under the Member's jurisdiction.

Area of Jurisdiction Shall mean within the Province of Mpumalanga, and also those golf clubs situated outside the borders of the Province who have been granted affiliation to the Union with the permission of the SAGA.

Association : Shall mean the Highveld Golf Association and/or the Lowveld Golf Association in existence at the date of approval of this Constitution.

Executive : Shall mean the Executive Committee of the Union as hereinafter referred to and members of the Executive Committee shall be referred to as "Executive Members"

Golf Club : Shall mean and include a Golf Club, and a Sports Club or Country Club having a golf section, which owns a golf course or has a permanent right to the use of a golf course, a Golf Club, Golfing Society, Sports Club or Country Club.

Golf Course : Shall mean a golf course of not less than 9 holes which has been assessed by the Union for handicapping purposes.

Member : Shall mean the Members of the Union as specified in clause 9 and such further Members as may hereafter be admitted to membership in terms of clause 10

Player : Shall mean the amateur golfers of golf clubs affiliated to the Union.

Levy Shall mean the recurring per capita payment required by the Union from time to time.

SAGA Shall mean South African Golf Association

Secretary : Shall mean the Secretary or Acting Secretary for the time being of the Union.

Union : Shall mean **MPUMALANGA GOLF UNION.** Founded 9th December, 1997 in Mbombela.

WGSA Shall mean Womens Golf South Africa.

WGM Shall mean Womens Golf Mpumalanga - in existence at the date of approval of this constitution.

- 3.2 In case of doubt as to the meaning of any clause hereof the interpretation of the Executive shall be binding upon members until such time as the Union may otherwise determine at a General Meeting. Any decision made by the Union at a General Meeting under the provision of this paragraph shall not affect the validity of any act committed or omitted in terms of a prior valid ruling given by the Executive.

4. STATUS AND PURPOSE OF THE UNION

The Union is, subject to the overall jurisdiction of the **SOUTH AFRICAN GOLF ASSOCIATION**, the controlling body of amateur golf in Mpumalanga. The Union's purpose is to co-ordinate, foster and enhance the activities of its members and to ensure the maintenance of the traditions of amateur golf in its area of jurisdiction.

- 4.1 No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- 4.2 At least 85% of such public benefit activity, measured either in cost or time spent, are carried out for the benefit of persons in Mpumalanga.
- 4.3 At least three persons who accept the fiduciary responsibility for the non profit organization will not be connected persons in relation to each other, and no single person directly or indirectly controls the decision making powers relating to such organisation.
- 4.4 No funds will be distributed to any person other than in the course of undertaking any public benefit activity.
- 4.5 The funds of the non profit organisation will be used solely for the objects for which it was established, or shall be invested –
a) With a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);
- 4.6 No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.

5. OBJECTS OF THE UNION

The objects of the Union are :

- 5.1 To ensure the maintenance of the amateur traditions of, and to promote, advance, foster, protect the game of golf within the Area of Jurisdiction in the interests of the game and its members and their Players.
- 5.2 To co-ordinate the activities of its members and to bring about and maintain close co-operation between them.
- 5.3 To collaborate and to co-operate with the SAGA, other provincial golf unions, sub-unions and associations.
- 5.4 To promote and encourage the holding of championships, competitions, tournaments and other events on the golf courses of its members and to assist in the conduct and control thereof.
- 5.5 To formulate, control and regulate the conditions governing the playing of such golf competitions, championships or tournaments and events, as it may from time to time organise or promote and shall include a "pace of play" schedule for the efficient control of same.
- 5.6 To arrange for participation by players, either as individuals or as team members in such golf competitions, championships, tournaments and events.
- 5.7 To assist members in arranging the settlement of disputes and differences and in obtaining an interpretation of the Rules of Golf.

- 5.8 To provide machinery for advising members on any matter relating to golf.
- 5.9 To aid, assist and generally promote the interests of its members.
- 5.10 To raise funds as it may deem fit and to administer such funds in accordance with the provisions of this Constitution, to make such payments from the funds as may be necessary to administer and further the purposes of the Union, including grants and loans to its members and payments to players either as individuals or as members of teams and/or officials representing the Union at authorised matches, tournaments, functions and events and to make donations or grants to approved causes or persons. The objects of the non profit organisation must be carried on in a non-profit manner and with an unselfish or benevolent intent.
- 5.11 To publish brochures, journals or publications and to conclude arrangements with other persons in order to publicise the activities of the Union, its members and the golf clubs thereof, and to disseminate matters of interest to members and Players.
- 5.12 To invest any surplus funds not immediately required by the Union as defined in sub Clause 3.5
- 5.13 To institute, conduct and defend any legal proceedings by or against the Union, a member of the Executive, Secretary or an employee of the Union.
- 5.14 To enforce, supervise and control the system of handicapping for golfers as set down, revised or amended from time to time, by the SAGA and to assist and advise members in the application thereof.
- 5.15 To apply the rules and regulations for the rating of golf courses, as set down and amended from time to time by the SAGA.
- 5.16 To acquire by purchase, lease or otherwise, both movable and immovable property and to sell, dispose of or otherwise deal with any of the property or assets of the Union.
- 5.17 To formulate and prescribe a Code of Conduct and etiquette to be observed by players and officials alike and to take such steps as are deemed necessary to ensure that these are observed.
- 5.18 Generally to further and safeguard the interests of the Union and its members and to take such steps as are deemed necessary or expedient for this purpose.
- 5.19 To establish and administer a fund for the development of golf amongst the underprivileged section of the community for as long as it is deemed necessary. Such fund shall be subject to an annual audit by an Auditor who shall not be a member of the Executive.

6. RULES OF GOLF AND AMATEUR STATUS

The Union accepts and is bound by the Rules of Golf and the Rules of Amateur Status together with such amendments or additions thereto as may from time to time be adopted by the SAGA, and the decisions which it may from time to time take on the interpretation of the Rules of Golf and Rules of Amateur Status.

7. INCOME, PROPERTY AND MONIES

The Union is a non profit organization and the activities of the Union will be carried on in a non profit manner; The income, property and monies of the Union from whatsoever source derived shall be used and directed solely towards the promotion of the objects of the Union as set forth in clause 5.10 of this constitution, and no property or surplus funds shall be paid or transferred directly or indirectly to any person during the existence of the Union. Nothing herein contained shall, however, prevent the making of grants or loans, for which members are directly responsible, by the Union to a member for the purpose of carrying out its objects or furthering its interests, or from reimbursing out-of-pocket expenses to any member of the Executive, or from remunerating any person for any service actually rendered to the Union, or from donations or grants to approved causes, persons or institutions.

8. LIABILITY OF MEMBERS

The Union shall be a Body Corporate having an existence independent of its members with perpetual succession capable of suing or being sued in its own name. All its assets shall be registered or held in the name of, or on behalf of the Union. Members shall not be liable to meet the debts, engagements and liabilities of the Union and the liability of members shall be limited solely to the amounts due by them in respect of affiliation fees, levies or other monies payable by them in terms of this Constitution.

9. MEMBERS OF THE UNION

9.1 The members of the Union are :

9.1.1 Highveld Golf Association

9.1.2 Lowveld Golf Association

9.1.3 Womens Golf Mpumalanga

Note 1 : A member affiliated to the above with less than 30 affiliated golfers will have no vote at an Annual General Meeting of the Union and its players may not serve on the MGU Executive.

9.2 Incorporation of Mpumalanga Junior, Senior and Womens Golf

9.2.1 Participants in Junior Golf shall be restricted to those of younger than nineteen years of age as at 1st January of the year of participation and school going.

9.2.2 Participation in Senior Golf shall commence once a golfer reaches the age of fifty.

9.2.3 Participation by Womens Golf Mpumalanga shall commence on 1 January 2018.

9.3 It is a condition of membership that a Member agrees :

9.3.1 To abide by and adhere to rulings and decisions, falling within the objects and scope of this Constitution, which the Union may from time to time make.

9.3.2 To insert in its Constitution and be bound by a clause in terms identical to clause 6 of this Constitution.

9.3.3 To pay to the SAGA and the Union the affiliation fees, levies and monies prescribed by the aforementioned.

10. COMPOSITION AND BOUNDARIES OF MEMBERS AND ESTABLISHMENT AND ADMISSION OF NEW MEMBERS

10.1 The Executive may upon its own initiative, or upon a request of an Association, WGSA or from a group or association of golf clubs in the Area of Jurisdiction, and if it considers that it is in the interests of members of the golf clubs or the Players thereof to do so :

10.1.1 admit further members upon such terms and conditions as it may deem fit; or

10.1.2 alter or amend the composition or boundaries of the Association's referred to in clause 9.1 by adding thereto or withdrawing therefrom one or more golf clubs.

10.1.3 The boundaries of the Union shall be as defined by the Municipal Demarcation Board and any new course built from hereon within the defined area shall affiliate to the Member under whose municipality it pays its dues to.

10.2 Before taking a decision or making a recommendation as envisaged in clause 10.1 the Executive shall consult with the members or group or association of golf clubs affected thereby.

10.3 Notwithstanding the provisions of clause 10.1 the Executive is empowered upon request of any Member referred to in clause 9.1 to transfer to that Member from the remaining Members who so

consent, the affiliation of any golf club, provided the Executive considers such transfer to be in the best interests of the golf club concerned.

11. NEW GOLF CLUBS

- 11.1 If a new golf club is established in the Area of Jurisdiction and wishes to be affiliated to the Union, it shall make written application to the Secretary :
- 11.2 Such application shall state the location of the golf club concerned, the number of its players and particulars of its golf course, viz. the length of each hole and height above mean sea level. A club scorecard, local rules and constitution of the golf club must accompany the application which must include the matters specified in clause 6 and sub clause 9.2 of this Constitution.
- 11.3. The boundaries of Members shall be as defined by the Municipal Demarcation Board and shall be known as geographical boundaries. Any new course built shall be affiliated with the Union on the basis of the geographical boundaries as defined by the prescripts of the Municipal Demarcation Board in conformance to the Municipal Demarcation Act of 1998 and any other prevailing legislative prescript.
- 11.4. Membership of the Union may be applied for by prospective associations or groups of golf clubs, qualifying in one of the provinces, district municipalities and metropolitan municipalities categories, as defined by the Municipal Demarcation Board in conformance with the prescripts of the Municipal Demarcation Act of 1998, which may be either:
- 11.4.1. A union of clubs within all the municipalities in a single province in the Republic; or
- 11.4.2. A union of clubs within a metropolitan municipality in a single province in the Republic where the total number of affiliated players exceed five thousand (5 000) or five percent (5.0%) of the total number of affiliated players (whichever is the lesser) registered with SAGA ; or
- 11.4.3. A union of clubs within a subset of district municipalities in a single province in the Republic where the total number of affiliated players exceed five thousand (5 000) or five percent (5.0%) of the total number of affiliated players (whichever is the lesser) registered with SAGA;
- 11.4.4. A union of clubs within a subset of district municipalities and metropolitan municipalities in a single province in the Republic where the total number of affiliated Players exceed five thousand (5 000) or five percent (5.0%) of the total number of affiliated players (whichever is the lesser) registered with SAGA.
- 11.5. Before making a recommendation as envisaged in sub-clause 11.1, the Executive shall consult with the Members or group or association of golf clubs affected thereby.
- 11.6 The Executive shall decide whether or not to accept the application and, if accepted, to what Member the golf club shall be affiliated.

12. RIGHTS AND PRIVILEGES OF MEMBERS

- 12.1 All members shall be bound by this Constitution.
- 12.2 Subject to the provisions of this Constitution and to any limitation imposed on members therein, members shall be entitled to manage and conduct their affairs in such manner as they may decide.
- 12.3 Membership of the Union shall, subject to the provisions of this Constitution, entitle members to enjoy the privileges and advantages of the Union including the right of its players to participate in golf tournaments and events held under the aegis of the Union, and of its members, upon the conditions governing the same.

13. AFFILIATION FEES AND LEVIES PAYABLE BY MEMBERS

- 13.1 Each Member shall pay to the Union an annual affiliation fee and such further levies as may be prescribed from time to time at an Annual General Meeting of the Union or at a Special General Meeting of the Union called for this purpose, except that the Executive Committee may without the consent of an Annual General Meeting or Special General Meeting, raise annual affiliation fees and such levies by no more than 15% per annum from the previous years figure.
- 13.2 Liability for payment of affiliation fees and levies, if and when prescribed by Members shall accrue as from the 1st day of January and these shall be paid by not later than 20 April in the same year. Members are further liable for an intermediate payment of all new Players joining the Member as from 21st April up and till the 30th September.
- 13.3 The annual affiliation fee and any levies payable by a Member shall be based per capita on the number of players affiliated to and handicapped by the golf clubs in the Area of Jurisdiction and shall include all Honorary Life, Honorary and Junior members.
- 13.4 When making payment to the Union in terms of clause 13.1 each Member shall send to the Secretary the following particulars as at the 1st day of June – the number of players affiliated to the club, the club address, E – mail address, contact numbers and the names and addresses of the club Office Bearers.
- 13.5 No member ceasing its membership of the Union, for whatever cause, shall be entitled to a refund of any amount, or portion thereof, paid by it to the Union in terms of the foregoing.
- 13.6 Each Member shall be responsible to the Union for the payment to it of the prescribed affiliation fees and such further levies due by their members. If a golf club of a Member has not paid the affiliation fees and/or levies, if any, due to the Union by the final date specified in clause 13.2 and fails thereafter to pay the same within one month after the golf club has been called upon to do so by its Member, the golf club concerned shall cease to be affiliated to that Member and the Union until such time as the due affiliation fees and levies have been paid. The Union may call on the golf club concerned to re-apply to its Member for membership upon such terms and conditions as the Member may decide, or if warranted, terminate the golf clubs membership.

14. CESSATION OF MEMBERSHIP

- 14.1 A Member shall cease to be a member of the Union, and to enjoy the privileges thereof if it resigns, in writing from the Union or, if its membership is withdrawn by the Union at a General Meeting, or if it ceases to be a member of an Association referred to in clause 9.1.
- 14.2 If, on the advice of the Union, or in the opinion of the Executive a Member has conducted its affairs in an irregular or improper manner or has willfully committed a breach of the provisions of this Constitution, or any of the terms and conditions upon which it was admitted to membership, or has contravened any of the rules of golf in the conduct of its affairs, or has disregarded or contravened any ruling falling within the scope of this Constitution, issued by the Union in General Meeting or the Executive, the Executive may, after giving such Member an opportunity to be heard, suspend such Member for such period as the Executive may deem fit or may terminate its membership of the Union, provided the Member concerned may within one week after receipt of written notification of the decision of the Executive, require the Executive to call a General Meeting to consider the said decision. The Union may at such General Meeting or any lawful adjournment thereof, confirm, vary or set aside the decision of the Executive. The decision of the Executive shall remain in full force and effect until it be varied or set aside by the Union as aforesaid and during such time the Member shall cease to enjoy the privileges of membership of the Union.

15. REINSTATEMENT OF MEMBERSHIP

The Executive may, upon receipt of an application, in writing, from a Member whose membership has been terminated in terms of any of the foregoing clauses reinstate such Member upon such terms and conditions as it may decide.

16. MANAGEMENT COMMITTEE

The affairs and activities of the Union shall be administered by an Executive Committee acting under the authority conveyed to it by this Constitution or by any mandate given to it by the Union at a General Meeting.

17. EXECUTIVE COMMITTEE: COMPOSITION OF

17.1 The Executive shall consist of :

17.1.1 A President and two (2) Vice-Presidents – one male and the other female – who shall be elected at the Annual General Meeting of the Union as hereinafter provided; and

17.1.2 Executive Members nominated as follows :-

- Highveld Golf Association – 3
- Lowveld Golf Association – 3
- Womens Golf Mpumalanga – 1
- Senior Golf – 1
- Junior Golf – 1
- SAGDB – 1
- MGU Secretary and/or Treasurer – 1

17.1.3 In addition, any person who is serving on the Executive of the SAGA as an Office Bearer or as a delegate shall be a member of the Executive for as long as he shall hold such office.

17.2 Members of the Union shall within 5 days of their Annual General Meeting notify the Secretary in writing of its Executive Members who will serve on the Executive for the ensuing year.

17.3 Should an Executive Member resign for whatever reason the vacancy shall be filled from the Member of concerned. A Member may appoint an alternate in writing for any particular meeting who shall have the same rights and privileges as an Executive Member.

17.4 No person convicted of a criminal offence in terms of the Criminal Procedure Act – Schedules 1, 2, 5, 6 and 7 shall serve on the Executive of the Union.

17.5 No person can serve on the Executive unless he is resident and affiliated to a Member in the Area of Jurisdiction.

17.6 Should an Executive Member be found guilty of conduct unbecoming or prejudicial to the Union, improper or dishonest conduct, or fail to make payment of monies legally due, he shall cease to hold office.

18. PRESIDENT AND VICE-PRESIDENTS OF THE UNION

18.1 At the Annual General Meeting of the Union a President and both Vice-Presidents of the Union shall be elected and they shall hold office until the conclusion of the next Annual General Meeting of the Union. The Vice Presidents shall be one (1) from Highveld/Lowveld and the other from Womens Golf Mpumalanga.

18.2 Nominations for the Office Bearers referred to in clause 18.1 shall be made in writing by any two Golf Clubs. The persons so nominated shall be a currently serving Executive Members with at least one year's service and shall in writing signify their acceptance of the nomination.

18.3 In the event of there being more than one nomination for either or both of these positions, an election by a show of hands or a ballot shall be held. An unsuccessful candidate for the office of President shall be eligible for election as a Vice-President without further nomination.

18.4 If there are no nominations for either or both these offices the existing office holder shall continue in office for the ensuing year. If the office holder is unable to accept the post, nominations shall be called from the floor.

- 18.5 The aforesaid nominations and acceptances shall be lodged with the Secretary at least 21 days before the date of the Annual General Meeting of the Union.
- 18.6 If the office of President becomes vacant due to resignation, continued ill-health or otherwise, or to the fact that he no longer qualifies to serve on the Executive in terms of clause 17.5, one of the Vice-Presidents, or failing them a person nominated by the Executive from among its number, shall act as President in his stead. The foregoing shall, mutatis mutandis, apply if a vacancy occurs in the office of Vice-President. Interim appointees shall have restricted authority as decided on by the Executive Committee.
- 18.7 No person shall serve as an Office Bearer, referred to in clause 18.1, of the Union for longer than four consecutive terms in office. A term shall be defined as 1 (one) year.
- Note 1 : Gentlemens Agreement** – At the penultimate Executive Meeting of the Financial Year the Executive will recommend their choice of Office Bearers for the ensuing year.
- 18.9 Office Bearers referred to in clause 18.1 may also be actively serving members of either Association's or Womens Golf Executive Committee at the time of holding Office of the Union.

19. HONORARY MEMBERS

- 19.1 The Union may in General Meeting, in recognition of outstanding services rendered to golf, appoint persons as Honorary Members of the Executive for such period and under such terms as the Union may decide.
- 19.2 Honorary Members shall be entitled to attend meetings of the Executive and to take part in the deliberations thereof, but shall have no vote thereat.

20. EXECUTIVE COMMITTEE: MEETINGS OF

- 20.1 The Executive shall meet as often as may be necessary, but at least five times in a calender year.
- 20.2 Meetings of the Executive shall be held at such place and such time as may be decided by the Executive from time to time.
- 20.3 At least 7 days written notice of meetings shall be given to the Executive by the Secretary.
- 20.4 Minutes shall be kept by the Secretary of all Executive meetings and meetings of sub-committees, and these shall be circulated to the Executive and members.
- 20.5 There shall be a quorum present at meetings of the Executive when there is personally present six persons, including one Office Bearer, of the total number of the Executive who are entitled to vote thereat.
- 20.6 The President or in his absence, one of the Vice-Presidents or in their absence, a fellow Executive Member appointed by his peers present at the meeting, shall preside as Chairman at meetings of the Executive and he shall have a casting as well as a deliberative vote.
- 20.7 Voting at meetings shall be by show of hands unless a ballot is demanded by a majority of the Executive Members present. The Chairman shall have a casting and deliberative vote and each Executive Member shall have one vote
- 20.8 If an Executive Member fails to attend three consecutive meetings he shall vacate his position on the Executive and an alternate delegate from the same Member shall take up his place. Should the situation persist, the Executive shall suspend such Member concerned for such period as it deems fit.

21. EXECUTIVE COMMITTEE: POWERS OF

The Executive shall have the power to do all things necessary to carry out and promote the objects of the Union except such matters as are required by this Constitution to be submitted to a General Meeting of the Union. Without limiting the powers and duties of the Executive, they shall include the following :

- 21.1 To adopt, amend or rescind by-laws for the regulation and administration of the affairs of the Union and its members;
- 21.1.1 A motion to review and rescind a decision shall require a two thirds majority : such motion to be submitted to the office in writing 14 days before a meeting at which such motion is to be considered and/or reviewed. A new counter-motion must accompany such a review. Once a to review and rescind is successful, a simple majority will be required to pass such motion.
- 21.3 To appoint, remove or suspend the Secretary and / or Treasurer and employees of the Union upon such terms and conditions as may be considered desirable, such removal will be subject to a formal hearing convened by the Executive.
- 21.4 To make recommendations to a General Meeting of the Union in regard to the representation of members on the Executive or at General Meetings;
- 21.5 To appoint such committees and sub-committees from among its number, or otherwise, for such purposes and upon such terms as may be considered desirable and to delegate such powers thereto as may be necessary. The President, shall ex officio, be a member of each such sub-committee but shall not be allocated duties.
- 21.6 To summon, at any time, a Special General Meeting of the Union subject to the provisions of clause 31.2;
- 21.7 To suspend or terminate the membership of a Member pursuant to clause 14 hereof;
- 21.8 To receive and authorise the investment and the expenditure of monies in accordance with this Constitution;
- 21.9 To open Banking accounts in the name of the Union and to resolve the manner of operation of such accounts;
- 21.10 To depute and authorise officers of the Union to act on its behalf in the acquisition and alienation of property or the investment of its funds and to mortgage or use the same as security;
- 21.11 To select teams to represent the Union in matches arranged against other Unions, Associations, Sub-Unions, visiting teams, clubs or golfing societies and organisations, and to determine the conditions governing the award of colours to teams representing the Union and to award same;
- 21.12 To organise, promote and stage golf tournaments, championships and competitions, to prescribe rules for the right of entry therein and the conduct thereof.
- 21.13 To arrange sponsors for golfing tournaments, championships and events organised by the Union and to award prizes to competitors participating therein;
- 21.14 To issue rulings and interpretations on any matter submitted to it or falling within the jurisdiction of the Union;
- 21.15 To appoint any person to represent the Union on any golf or other sporting body, which the Executive considers necessary or advantageous;
- 21.16 To appoint from among its number a person to serve as a delegate on the Executive of the SAGA/WGSA for a maximum term of four years consecutively, and further, to propose persons for election as President, Senior Vice-President or Second Vice-President thereof;
- 21.17 To appoint annually a **Disciplinary Committee** to deal with matters of a disciplinary nature whether or not referred to it by an Association/WGM, against players or officials who may have committed a breach of the Rules of Golf in a match or competition whether Provincial or otherwise, whose conduct is considered to be unbecoming of a player/official or detrimental to the game of golf.

- 21.18 Any Player called to appear before a Disciplinary hearing shall be entitled to submit written or oral representations or evidence either in person or to be represented by Legal Counsel. Such Player's Club Chairman or Captain shall be entitled to attend any hearing relating to such Player, but shall have no vote.
- 21.19 The Chairman of the Committee shall be an Office Bearer, and the Committee shall comprise 2 (two) other Executive Members whose decision shall be decided on by majority vote, and any decision shall be reported to the next succeeding Executive Committee meeting for ratification.
- 21.20 Any Player subjected to a Disciplinary Committee decision, shall have the right of appeal to the Executive within 7 days, whose decision shall likewise be decided by majority vote and shall be final. The Union's Disciplinary Code and the SAGA Disciplinary Guide Manual shall be the overriding documents in all disciplinary matters.
- 21.21 To enforce the appointment of a competent person to serve on the SAGDB as Mpumalanga Development Manager, in accordance with affirmative action principles, to serve on the Executive and whose duties shall include, but not be limited to, the promotion of the game of golf among the underprivileged community in the Area of Jurisdiction. This appointment shall subsist until the need for such appointment is deemed no longer necessary by the Executive.
- 21.22 To authorize the Chairman of the Executive Committee to hold an election at the Closed Championship to elect a Players Representative. The duties of the elected Players Representative shall be to look after the concerns and interests of all provincial players and to report these concerns and interests to the President. Such person shall be a provincial player of known reputation and integrity. The Players Representative shall not serve or have a vote on the Executive. The Players Representative will serve on the selection panel with the same authority as his fellow selectors. The Chairman will call the meeting for the election of a Players Representative if there is an adequate number of players requesting the election.
- 21.23 To resolve, as far as possible by negotiation, any disputes between the Executive, the Associations/WGM and/or the golf clubs or provincial Players.
- 21.24 To accept or reject registration of so called "Virtual Clubs" under the conditions prescribed by the SAGA with the Rules and amendments thereto that are prescribed from time to time. The Executive reserves the right to set an annual affiliation fee and such other fees/levies and conditions as it considers fair and just.
- 21.25 To draft annually a Fixture List of all championships, competitions, tournaments, leagues and events approved by the MGU. Such Fixture List is binding on all Mpumalanga Union Golf Clubs who shall abide by this Fixture List unless written application to the Secretary for a change in date or venue is requested. The Executive Committee shall consider and approve such application only if it has merit.

22. EMERGENCY COMMITTEE

The President and Vice-Presidents of the Union, each Association's President and WGM President shall form an Emergency Committee with powers to act in relation to any situation or matter which the President considers to be of an urgent nature. The President shall be required to give due notice to other members of the Emergency Committee of the matter to be considered. Three members of the Emergency Committee shall constitute a quorum to act on behalf of the Union, subject to any action taken by such Emergency Committee being reported to the next ensuing Executive Meeting of the Union and duly ratified. The powers hereby conferred shall relate to the necessity to act in relation to all urgent matters, contracts, matters of a legal nature, agreements, legal process, but shall not empower the said Committee to take policy decisions on behalf of the Union. The said Committee shall have powers of co-opting any person to the said Committee for such purposes as required, but such person shall have no vote. The said committee shall be appointed at the Annual General Meeting of the Union.

23. FINANCIAL YEAR OF THE UNION

The financial year of the Union shall run from the 1st day of June to the 31st day of May or such other period as the Executive may from time to time decide.

24. BOOKS OF ACCOUNT

Books of account of the affairs of the Union shall be kept and the said books together with all other papers and documents connected with or relating to the business or the affairs of the Union, shall be kept by the Secretary and shall be accessible to Executive Members. The Executive shall from time to time determine whether and to what extent and at what time and places and under what conditions or regulations the books of account and other documents of the Union or any of them, shall be open to inspection by Executive Members.

25. BANKING ACCOUNT

All monies paid to the Union shall as soon as possible after receipt, be deposited with a Bank or other financial institution as the Executive may decide, and shall be withdrawn there from time to time as may be required. All cheques must be signed or endorsed by such persons authorised by the Executive from time to time. Each cheque must carry 2 (two) of the authorised persons signatures on amounts exceeding R15000 and all electronic transfers must be transacted by the Secretary/Treasurer.

26. AUDIT

The accounts of the Union shall be audited annually by an Auditor, who shall not be a member of the Executive and who shall be appointed by the Union at an Annual General Meeting. In the case of a vacancy occurring in the office of the Auditor during the year, the Executive shall forthwith appoint a Registered Auditor to fill this vacancy.

27. ANNUAL GENERAL MEETING OF THE UNION

- 27.1 An Annual General Meeting of the Union shall be held each year at such place, date and at such time as the Executive may decide provided that :
- 27.2 Such meeting shall be held prior to the Annual General Meeting of the South African Golf Association and not later than three months after the end of the financial year; and
- 27.3 Not more than 13 months shall elapse between the date of one Annual General Meeting of the Union and that of the next.
- 27.4 The Secretary shall, not less than 40 days prior to the Annual General Meeting give notice to Executive Members and members of the date, time and venue of the meeting.
- 27.5 If the Executive or a Member wishes to propose a resolution for adoption at the Annual General Meeting or requires any specific matter to be considered thereat, it or he shall give written notice thereof to the Secretary at least 21 days before the date of the meeting.
- 27.6 At least 14 days before the date of the Annual General Meeting, the Secretary shall send to the Executive Members and to Members:
- The agenda for the meeting :
 - A copy of the report of the Executive on the affairs of the Union for the past year.
 - A copy of the audited balance sheet and accounts for the past financial year.
 - Notice of any resolution which has been proposed for adoption thereat and/or of any specific matter which has been proposed for consideration thereat.

28. REPRESENTATION AT ANNUAL GENERAL MEETING

- 28.1 The persons entitled to take part in the proceedings of the Annual General Meeting of the Union and to vote thereat shall be :
- 28.1.1 The President and Vice-Presidents.
- 28.1.2 The Executive Members referred to in clause 17.1.2.
- 28.1.3 Persons nominated by Members on the following basis, namely:

- Each Members Golf Clubs falling within the jurisdiction of the Mpumalanga Golf Union shall nominate one person to represent it at the AGM

28.1.4 Any person in terms of clause 17.1.3 who is currently serving on the Executive of the South African Golf Association as President, one of the Vice–Presidents or as a delegate.

- Each Member shall notify the Secretary, in writing prior to the Annual General Meeting of the name of its delegate. Failure by a Member to do so shall disentitle the delegate of the Member concerned from taking part in the proceedings of the Annual General Meeting or from voting thereat.

28.3 Voting at Annual General Meetings shall be in accordance with the provisions of clause 30.7.

29. BUSINESS TO BE TRANSACTED AT THE ANNUAL GENERAL MEETING

29.1 The business to be transacted at the Annual General Meeting shall be:

29.1.1 To confirm the minutes of the preceding Annual General Meeting and of any other General Meeting that may have been held since the preceding Annual General Meeting.

29.1.2 To consider and, if approved, adopt the report of the Executive on the affairs of the Union for the preceding year.

29.1.3 To consider and, if approved, adopt the audited Balance Sheet and Income and Expenditure Account for the past financial year.

29.1.4 To elect a President and two (2) Vice–Presidents of the Union – one male, one female.

29.1.5 To appoint an auditor for the ensuing year.

29.1.6 To appoint Honorary Members of the Executive.

29.1.7 To consider any resolution of which due notice has been given as hereinbefore provided.

29.1.8 To consider any further business of a specific or general competent nature of which due notice has been given.

30. PROCEDURE AT ANNUAL GENERAL MEETING

30.1 The President, or in his absence one of the Vice–Presidents shall preside as Chairman at the Annual General Meetings. In the absence of both of the foregoing, the persons present and entitled to vote at the meeting shall appoint a Chairman.

30.2 There shall be deemed to be a quorum at the Annual General Meeting if there is personally present 12 of the persons entitled to vote thereat. If a quorum is not present within one hour of the time for which the meeting has been called, the Chairman shall declare the meeting stand adjourned to the following week unless such day is a public holiday, when it shall be held on the weekday following such day, at the same time and place and those persons present at such postponed meeting shall constitute a quorum, irrespective of the number present, and may transact the business of the Annual General Meeting.

30.3 No resolution or specific matter of which due notice has not been given in terms of clause 27.5 shall be discussed at the Annual General Meeting, provided that it shall be competent for the Chairman, at his discretion, to allow any amendment of wording of any resolution to be moved notwithstanding that due notice has not been given of the intention to move such amendment.

30.4 The Secretary shall take minutes of the proceedings of Annual General Meetings and shall circulate these to Executive Members and members at his earliest convenience after the Annual General Meeting but not later than 80 days thereafter.

- 30.5 Each person present and entitled to vote at the Annual General Meeting shall be entitled to one vote. The Chairman shall have a casting as well as a deliberative vote.
- 30.6 Save as is otherwise provided for in this Constitution, all resolutions put to an Annual General Meeting shall be passed and shall be held valid and effectual if carried by a majority of delegates present.
- 30.7 Voting at an Annual General Meeting shall be by show of hands unless a ballot is demanded by a majority of the persons present and entitled to vote.
- 30.8 Save as is otherwise provided by this Constitution or by a direction given at any prior Annual General Meeting, the proceedings at the Annual General Meeting shall be conducted in such manner as the Chairman may determine.
- 30.9 Any member which has not paid its affiliation fees and / or levies to the Union as hereinbefore provided, shall not be entitled to attend or vote at such Annual General Meeting or Special General Meeting. Provided however that this shall not apply to a member who has paid the affiliation fees and levies in terms of clause 13.6.

31. GENERAL MEETINGS

- 31.1 The Executive may at any time convene a General Meeting of members of the Union and, it shall also do so upon receiving a requisition to that effect by an Association or signed by five members, stating the purpose of such Meeting.
- 31.2 The Secretary shall give 21 days written notice of a General Meeting to Executive Members and members, of the date, time and place of the proposed meeting and of the business to be transacted thereat.
- 31.3 No business shall be discussed at a General Meeting save the business for which the meeting has been called.
- 31.4 At all General Meetings the provisions of clauses 28 and 30 shall, mutatis mutandis, apply, provided however, that if a quorum is not present, the General Meeting shall be deemed to be dissolved.

32. NOTICES

- 32.1 All notices to be given in terms of this Constitution shall be given in writing and shall be signed by the Secretary.
- 32.2 Notices e-mailed/posted to the last known address of any person or member entitled to receive same shall constitute effective notice of anything required to be done under this constitution.
- 32.3 The accidental omission to give notice to a person entitled to receive the same or the non receipt of such notice shall not invalidate any meeting or proceedings to which such notice related or any decision taken thereat.

33. PROPERTY

All properties vesting in the Union shall be registered in the name of the Mpumalanga Golf Union and all documents necessary for signature and authentication shall be deemed to have been duly signed and authenticated on behalf of the Union, when signed under the signature of either the President/Vice-Presidents and the Secretary.

34. AMENDMENT OF CONSTITUTION

- 34.1 The Constitution shall not be repealed or amended except by resolution passed at an Annual General Meeting or at a General Meeting called for that purpose. Such a resolution shall be passed by not less than two thirds of the persons present and entitled to vote.

34.2 Where a General Meeting is convened for the purpose of clause 34.1, the provisions of clause 27 regarding notices of the meeting and clause 32 shall, mutatis mutandis, apply.

35. DISSOLUTION OF THE UNION

35.1 The Union may not be dissolved, wound up or placed in liquidation except by a resolution passed at a General Meeting of the Union called for that specific purpose. Such a resolution shall be passed by not less than two thirds of the persons present and entitled to vote at such meeting.

35.2 If, at a General Meeting of the Union, it is resolved that the Union be dissolved or wound up or placed in liquidation, a liquidator shall be appointed at that meeting who shall give direction as to the methods of such winding up, provided that, other than the repayment of any amounts due to members in respect of amounts due to them, no funds or assets of the Union shall be distributed to any member. If after payment of all debts and liabilities of the Union any property of whatsoever nature remains, the same shall be transferred to some other society or association with objects similar to those of the Union and which is exempt from Income Tax in terms of section 10 (1) (cN) of the Income Tax act (Act No 58 of 1962) or to a Public Benefit Organisation contemplated in paragraph (a)(1) of the Income Tax Act 1962 which has been approved.

36. REPEAL

Any existing Constitution of the Union is hereby repealed with effect from 21 July, 2018 save that the existing Executive Committee shall continue in office until the conclusion of the Annual General Meeting of the Union on 21 July, 2018.

37. INTERPRETATION OF THIS CONSTITUTION

Any disputes which cannot be resolved internally, arising out of or in connection with the enforceability of this constitution or the application and interpretation of the provisions thereof or any dispute between Mpumalanga Golf Union and another national sports federation, between Members or between members of the Executive Committee shall be referred to the Arbitration Foundation of Southern Africa for resolution through mediation or expedited arbitration in terms of the Rules and Procedures for the Resolution of Disputes in Sport prevailing at the time such dispute is so referred. In the event of arbitration in terms of the foregoing such resolution shall be final and binding on the parties to the dispute.

21 July, 2018